# IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

#### COMPLETE TITLE OF CASE

JAMES S. LANGLEY, JR.,

Appellant,

v.

DIRECTOR OF REVENUE,

Respondent.

#### **DOCKET NUMBER WD77826**

### MISSOURI COURT OF APPEALS WESTERN DISTRICT

**DATE:** August 4, 2015

#### **APPEAL FROM**

The Circuit Court of Clinton County, Missouri The Honorable Paul T. Luckenbill, Judge

#### **JUDGES**

Special Division: Witt, P.J., Pfeiffer, J., and Fischer, Sp. J.

CONCURRING.

#### **ATTORNEYS**

Jeffrey S. Eastman Gladstone, MO

Attorney for Appellant,

Chris Koster, Attorney General Rachel M. Jones, Special Assistant Attorney General Jefferson City, MO

Attorneys for Respondent.



## MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

| JAMES S. LANGLEY, JR., |             | ) |                |
|------------------------|-------------|---|----------------|
|                        | Appellant,  | ) |                |
| v.                     |             | ) | OPINION FILED: |
| DIRECTOR OF REVENUE,   |             | ) | August 4, 2015 |
| DIRECTOR OF REVENUE,   |             | ) |                |
|                        | Respondent. | ) |                |

WD77826 Clinton County

**Before Special Division Judges:** Gary D. Witt, Presiding Judge, Mark D. Pfeiffer, Judge, and Zel M. Fischer, Special Judge

James Langley, Jr. ("Langley") appeals from the judgment of the Circuit Court of Clinton County, Missouri ("trial court"), upholding the Director of Revenue's ("Director") driver's license revocation for refusal to submit to a chemical test of his breath pursuant to section 577.041. In Langley's sole point on appeal, he maintains that the officer did not have reasonable grounds to arrest him for driving while intoxicated because the officer improperly administered both the HGN and the walk and turn field sobriety tests, and because he passed the one-leg stand test; thus, he asserts that the judgment is not supported by substantial evidence.

#### AFFIRMED.

#### **Special Division holds:**

Field sobriety tests are not a requirement for probable cause. Such tests merely supplement the officer's other observations in the overall probable cause determination. Therefore, the absence of a properly performed field sobriety test will not by itself preclude a finding that there were reasonable grounds to believe that an individual was driving while intoxicated. Here, the officer observed Langley's traffic violation and, upon stopping Langley, observed classic signs of intoxication: the very strong odor of alcohol, failure to follow instructions, bloodshot and glassy eyes, slurred speech, unsteady gait, and admission of consumption of alcohol. Accordingly, substantial evidence supported the trial court's finding

that the officer had reasonable grounds to believe that Langley was driving a motor vehicle while in an alcohol induced intoxicated condition.

Opinion by: Mark D. Pfeifer, Judge

August 4, 2015

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